

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2008-1127-PWS-E TCEQ ID: RN101278190, RN101278018 CASE NO.: 36172
RESPONDENT NAME: RICHARD SULLIVAN DBA COUNTRY VIEW MOBILE HOME PARK AND
RICHARD SULLIVAN DBA VALLEY ESTATES

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATIONS OCCURRED: 7506 North County Road 1540, Unit 23, Shallowater, Lubbock County ("Facility No. 1") and 7400 North Venita Ave., Shallowater, Lubbock County ("Facility No. 2").</p> <p>TYPE OF OPERATION: Public water supply facilities</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 4, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Christopher Keffer, Water Enforcement Section, MC 169, (512) 239-5132 TCEQ Regional Contact: Mr. Pat Cooke, Lubbock Regional Office, MC R- 2, (806) 796-7092 Respondent: Mr. Richard Sullivan, Owner, Country View Mobile Home Park and Valley Estates, 7506 North County Road, Unit 23, Shallowater, Texas 79363 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS REQUIRED
<p>Type of Investigation:</p> <p> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review </p> <p>Date of Complaint Relating to this Case: N/A</p> <p>Dates of Investigation Relating to this Case: February 18, 2008 and July 9, 2008</p> <p>Date of NOE Relating to this Case: May 29, 2008</p> <p>Background Facts: The EDPRP was filed on December 11, 2008 and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on December 15, 2008, as evidenced by the signature on the card. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference. </p> <p>Current Compliance Status: Not yet in compliance. The Respondent owes \$419.32 in past due fees. </p> <p>PWS:</p> <p>1. At Facility No. 1 and Facility No. 2, failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year [30 TEX. ADMIN. CODE §§ 290.271(b), 290.274(a) and (c)].</p> <p>2. Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account Nos. 91520247 and 91520198 for Fiscal Year 2008 to the TCEQ in a timely manner [30 TEX. ADMIN. CODE § 290.51(a)(6)].</p>	<p>Total Assessed: \$1,475</p> <p>Total Deferred: \$0</p> <p> <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset </p> <p>Total Due to General Revenue: \$1,475</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 1, 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Within 30 days:</p> <p>a. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2007 to each bill paying customer of Facility No. 1 and Facility No. 2, and make a good faith effort to deliver to non-bill paying consumers of Facility No. 1 and Facility No. 2.</p> <p>b. Pay all outstanding fees, including any associated penalties and interest, for Financial Administration Account Nos. 91520247 and 91520198.</p> <p>2. Within 45 days, submit a copy of the CCR provided to customers of the water systems and the certification that the CCR has been distributed to the customers of the water systems and that the information in the CCR is correct and consistent with the compliance monitoring data.</p> <p>3. Within 60 days, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	9-Jun-2008	Screening	9-Jul-2008	EPA Due	1-Jun-2005
	PCW	9-Oct-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Richard Sullivan dba Country View Mobile Home Park				
Reg. Ent. Ref. No.	RN101278190				
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	36172	No. of Violations	2
Docket No.	2008-1127-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christopher Keffer
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$400

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 7.0% Enhancement **Subtotals 2, 3, & 7** \$28

Notes Enhancement is due to one NOV with same or similar violations and one NOV with dissimilar violations as those in the current enforcement action.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$294
Approx. Cost of Compliance \$246
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$428

OTHER FACTORS AS JUSTICE MAY REQUIRE 68.7% **Adjustment** \$294

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement is due to recover avoided costs.

Final Penalty Amount \$722

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$722

DEFERRAL 0.0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral not offered for non-expedited settlement.

PAYABLE PENALTY \$722

PCW 1

Screening Date 9-Jul-2008

Docket No. 2008-1127-PWS-E

PCW

Respondent Richard Sullivan dba Country View Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 36172

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101278190

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement is due to one NOV with same or similar violations and one NOV with dissimilar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 7%

Screening Date 9-Jul-2008		Docket No. 2008-1127-PWS-E		PCW		
Respondent Richard Sullivan dba Country View Mobile Home Park				Policy Revision 2 (September 2002)		
Case ID No. 36172				PCW Revision June 12, 2008		
Reg. Ent. Reference No. RN101278190						
Media [Statute] Public Water Supply						
Enf. Coordinator Christopher Keffer						
Violation Number		<div style="border: 1px solid black; padding: 2px;">1</div>				
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 290.271(b), 290.274(a) and 290.274(c)</div>				
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, the Respondent did not mail or directly deliver the CCRs to the water system's customers for the years 2003 through 2006 nor did the Respondent submit the CCR or the required certification to the TCEQ for the years 2003 through 2006.</div>				
Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$1,000</div>	
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate	Minor		
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
				Percent	<div style="border: 1px solid black; padding: 2px;">0%</div>	
>> Programmatic Matrix						
		Falsification	Major	Moderate	Minor	
		<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">X</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Percent <div style="border: 1px solid black; padding: 2px;">10%</div>
Matrix Notes		<div style="border: 1px solid black; padding: 2px;">100% of the rule requirement was not met.</div>				
Adjustment					<div style="border: 1px solid black; padding: 2px;">\$900</div>	
					<div style="border: 1px solid black; padding: 2px;">\$100</div>	
Violation Events						
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">4</div>	Number of violation days		<div style="border: 1px solid black; padding: 2px;">1095</div>	
mark only one with an x	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	annual	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">X</div>				
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
Four annual events are recommended for the years in which no CCR or certification of delivery was submitted to the TCEQ.					Violation Base Penalty <div style="border: 1px solid black; padding: 2px;">\$400</div>	
Good Faith Efforts to Comply		0.0% Reduction			<div style="border: 1px solid black; padding: 2px;">\$0</div>	
		Before NOV NOV to EDP/PP/Settlement Offer				
Extraordinary		<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
Ordinary		<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
N/A		<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">X</div>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">(mark with x)</div>			
Notes		<div style="border: 1px solid black; padding: 2px;">The Respondent does not meet the good faith criteria for this violation.</div>				
Violation Subtotal					<div style="border: 1px solid black; padding: 2px;">\$400</div>	
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$294</div>	Violation Final Penalty Total		<div style="border: 1px solid black; padding: 2px;">\$722</div>	
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; padding: 2px;">\$722</div>	

Economic Benefit Worksheet**Respondent** Richard Sullivan dba Country View Mobile Home Park**Case ID No.** 36172**Reg. Ent. Reference No.** RN101278190**Media** Public Water Supply**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$246	1-Jul-2004	1-Jul-2007	3.92	\$48	\$246	\$294
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary to produce copies of the CCR and mail or directly deliver the reports to customers of the water supply, calculated for the years in which no report was distributed.

Approx. Cost of Compliance

\$246

TOTAL

\$294

Screening Date 9-Jul-2008		Docket No. 2008-1127-PWS-E		PCW
Respondent Richard Sullivan dba Country View Mobile Home Park		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36172		<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN101278190				
Media [Statute] Public Water Supply				
Enf. Coordinator Christopher Keffer				
Violation Number		<input type="text" value="2"/>		
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.51(a)(6)"/>		
Violation Description		<input type="text" value="Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520247 for Fiscal Year 2008 to the TCEQ in a timely manner."/>		
Base Penalty				<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text"/>			
Adjustment				<input type="text" value="\$1,000"/>
				<input type="text" value="\$0"/>

Violation Events				
Number of Violation Events		<input type="text"/>	Number of violation days	
		<input type="text"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
				Violation Base Penalty <input type="text" value="\$0"/>
<input type="text" value="All penalties and interest will be determined by the Financial Administration Division at the next billing cycle."/>				

Good Faith Efforts to Comply		0.0%	Reduction		\$0
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>		
N/A	<input type="text"/>	(mark with x)			
Notes		<input type="text"/>			
				Violation Subtotal	<input type="text" value="\$0"/>

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total	<input type="text" value="\$0"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$0"/>

Economic Benefit Worksheet

Respondent: Richard Sullivan dba Country View Mobile Home Park

Case ID No.: 36172

Reg. Ent. Reference No.: RN101278190

Media: Public Water Supply

Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

There is no economic benefit associated with this violation.

Avoided Costs
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
Approx. Cost of Compliance
\$0
TOTAL
\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600705529	SULLIVAN, RICHARD	Classification:	Rating:
Regulated Entity:	RN101278190	COUNTRY VIEW MHP	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1520247	
	WATER LICENSING	LICENSE	1520247	
Location:	7506 N COUNTY ROAD 1540 UNIT 23, LUBBOCK COUNTY, TX			
TCEQ Region:	REGION 02 - LUBBOCK			
Date Compliance History Prepared:	July 08, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 08, 2003 to July 08, 2008			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Christopher Keffer Phone: (512) 239-5610

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 11/23/2004 (340860)
- 2 07/19/2006 (481792)
- 3 04/15/2007 (644424)
- 4 07/01/2007 (645072)
- 5 02/22/2008 (616790)
- 6 06/02/2008 (681272)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/15/2007 (644424)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)

Description: BACT - MONITORING/REPORTING VIOLATIONS

Date: 07/01/2007 (645072)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)

Description: PUBLIC NOTICE

- F. Environmental audits.

N/A

- G. Type of environmental management systems (EMSs).

N/A

- H. Voluntary on-site compliance assessment dates.

N/A

CH1

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	9-Jun-2008	Screening	9-Jul-2008	EPA Due	1-Jun-2005
	PCW	9-Oct-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Richard Sullivan dba Valley Estates		
Reg. Ent. Ref. No.	RN101278018		
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	36172	No. of Violations	2
Docket No.	2008-1127-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christopher Keffer
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$400

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 7.0% Enhancement **Subtotals 2, 3, & 7** \$28

Notes Enhancement is due to one NOV with same or similar violations and one NOV with dissimilar violations as those in the current enforcement action.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$325
Approx. Cost of Compliance \$272
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$428

OTHER FACTORS AS JUSTICE MAY REQUIRE 75.9% **Adjustment** \$325

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement is due to recover avoided costs.

Final Penalty Amount \$753

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$753

DEFERRAL 0.0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral not offered for non-expedited settlement.

PAYABLE PENALTY \$753

PCW 2

Screening Date 9-Jul-2008

Docket No. 2008-1127-PWS-E

PCW

Respondent Richard Sullivan dba Valley Estates

Policy Revision 2 (September 2002)

Case ID No. 36172

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101278018

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement is due to one NOV with same or similar violations and one NOV with dissimilar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 7%

Screening Date 9-Jul-2008		Docket No. 2008-1127-PWS-E		PCW
Respondent Richard Sullivan dba Valley Estates		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36172		<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN101278018				
Media [Statute] Public Water Supply				
Enf. Coordinator Christopher Keffer				
Violation Number 1				
Rule Cite(s)		30 Tex. Admin. Code §§ 290.271(b), 290.274(a) and 290.274(c)		
Violation Description		Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, the Respondent did not mail or directly deliver the CCRs to the water system's customers for the years 2003 through 2006 nor did the Respondent submit the CCR or the required certification to the TCEQ for the years 2003 through 2006.		
		Base Penalty		\$1,000

>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0%

>> Programmatic Matrix				
Matrix Notes	Falsification	Major	Moderate	Minor
		x		
				Percent 10%
100% of the rule requirement was not met.				
				Adjustment \$900

Violation Events													
Number of Violation Events	4												
	1095												
	Number of violation days												
<div style="display: flex; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: small; margin-right: 5px;">mark only one with an x</div> <table border="1" style="border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="width: 40px;"></td></tr> <tr><td style="padding: 2px;">monthly</td><td></td></tr> <tr><td style="padding: 2px;">quarterly</td><td></td></tr> <tr><td style="padding: 2px;">semiannual</td><td></td></tr> <tr><td style="padding: 2px;">annual</td><td style="text-align: center;">x</td></tr> <tr><td style="padding: 2px;">single event</td><td></td></tr> </table> </div>	daily		monthly		quarterly		semiannual		annual	x	single event		Violation Base Penalty \$400
daily													
monthly													
quarterly													
semiannual													
annual	x												
single event													
Four annual events are recommended for the years in which no CCR or certification of delivery was submitted to the TCEQ.													

Good Faith Efforts to Comply		0.0% Reduction	\$0
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$400

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$325	Violation Final Penalty Total	\$753
		This violation Final Assessed Penalty (adjusted for limits) \$753	

Economic Benefit Worksheet**Respondent** Richard Sullivan dba Valley Estates**Case ID No.** 36172**Reg. Ent. Reference No.** RN101278018**Media** Public Water Supply**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$272	1-Jul-2004	1-Jul-2007	3.92	\$53	\$272	\$325
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary to produce copies of the CCR and mail or directly deliver the reports to customers of the water supply, calculated for the years in which no report was distributed.

Approx. Cost of Compliance

\$272

TOTAL

\$325

Screening Date 9-Jul-2008		Docket No. 2008-1127-PWS-E		PCW
Respondent Richard Sullivan dba Valley Estates		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36172		<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN101278018				
Media [Statute] Public Water Supply				
Enf. Coordinator Christopher Keffer				
Violation Number		<input type="text" value="2"/>		
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.51(a)(6)"/>		
Violation Description		<div style="border: 1px solid black; padding: 5px;"> <p>Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520198 for Fiscal Year 2008 to the TCEQ in a timely manner.</p> </div>		
Base Penalty				<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

>> Programmatic Matrix

OR	Falsification				
	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events	<input type="text"/>	Number of violation days	<input type="text"/>
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$0"/>
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply

0.0% Reduction		
Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	Violation Subtotal <input type="text" value="\$0"/>
Ordinary	<input type="text"/>	
N/A	(mark with x)	
Notes		

Economic Benefit (EB) for this violation

Estimated EB Amount	<input type="text" value="\$0"/>	Statutory Limit Test
		Violation Final Penalty Total <input type="text" value="\$0"/>
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$0"/>

Economic Benefit Worksheet**Respondent** Richard Sullivan dba Valley Estates**Case ID No.** 36172**Reg. Ent. Reference No.** RN101278018**Media** Public Water Supply**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

There is no economic benefit associated with this violation.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600705529	SULLIVAN, RICHARD	Classification:	Rating:
Regulated Entity:	RN101278018	VALLEY ESTATES	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1520198
	WATER LICENSING		LICENSE	1520198
Location:	7400 N VENITA AVE, LUBBOCK COUNTY, TX			
TCEQ Region:	REGION 02 - LUBBOCK			
Date Compliance History Prepared:	July 08, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 08, 2003 to July 08, 2008			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Christopher Keffer Phone: (512) 239-5610

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 10/14/2003 (251033)
- 2 11/23/2004 (340859)
- 3 05/31/2005 (392463)
- 4 07/19/2006 (481790)
- 5 09/26/2006 (485428)
- 6 04/15/2007 (644423)
- 7 07/01/2007 (645071)
- 8 02/22/2008 (616797)
- 9 06/02/2008 (681266)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/15/2007 (644423)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)

Description: BACT - MONITORING/REPORTING VIOLATIONS

Date: 07/01/2007 (645071)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)

Description: PUBLIC NOTICE

- F. Environmental audits.

N/A

- G. Type of environmental management systems (EMSs).

N/A

CH 2

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
RICHARD SULLIVAN DBA
COUNTRY VIEW MOBILE HOME
PARK AND
RICHARD SULLIVAN DBA
RN101278190 AND RN101278018**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§
§ VALLEY ESTATES**

DEFAULT ORDER DOCKET NO. 2008-1127-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Richard Sullivan dba Country View Mobile Home Park and Richard Sullivan dba Valley Estates ("Mr. Sullivan").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Mr. Sullivan owns and operates the following public water supply facilities ("the Facilities") :
 - a. Country View Mobile Home Park (RN101278190), located at 7506 North County Road 1540 Unit 23 in Lubbock County, Texas that has approximately 23 service connections ("Facility No. 1"); and
 - b. Valley Estates (RN101278018), located at 7400 North Venita Avenue in Lubbock County, Texas that has approximately 36 service connections ("Facility No. 2").
2. The Facilities serve at least 25 people per day for at least 60 days per year and provide water for human consumption. As such, the Facilities are public water systems as defined in 30 TEX. ADMIN CODE § 290.38(63).
3. During a records review conducted on February 18, 2008, a TCEQ Staff documented that Mr. Sullivan violated the following requirements at Facility No. 1:

- a. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, Mr. Sullivan did not mail or directly deliver the CCRs to the water system's customers for the years 2003 through 2006 nor did Mr. Sullivan submit the CCR or the required certification to the TCEQ for the years 2003 through 2006.
 - b. Failed to pay all annual and late Public Health Service ("PHS") fees for TCEQ Financial Administration Account No. 91520247 for Fiscal Year 2008 to the TCEQ in a timely manner.
4. During records review conducted on February 18, 2008 and July 9, 2008, a TCEQ Staff documented that Mr. Sullivan violated the following requirements at Facility No. 2:
 - a. Failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, Mr. Sullivan did not mail or directly deliver the CCRs to the water system's customers for the years 2003 through 2006 nor did Mr. Sullivan submit the CCR or the required certification to the TCEQ for the years 2003 through 2006.
 - b. Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520198 for Fiscal Year 2008 to the TCEQ in a timely manner.
5. Mr. Sullivan received notice of the violations on or about June 3, 2008.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Richard Sullivan dba Country View Mobile Home Park and Richard Sullivan dba Valley Estates" (the "EDPRP") in the TCEQ Chief Clerk's office on December 11, 2008.
7. By letter dated December 11, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Sullivan with notice of

the EDPRP. According to the return receipt "green card", Mr. Sullivan received notice of the EDPRP on December 15, 2008, as evidenced by the signature on the card.

8. More than 20 days have elapsed since Mr. Sullivan received notice of the EDPRP, provided by the Executive Director. Mr. Sullivan failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Sullivan is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact Nos. 3.a. and 4.a., at Facility No. 1 and Facility No. 2, Mr. Sullivan failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b), 290.274(a) and (c).
3. As evidenced by Finding of Fact No. 3.b. and 4.b., at Facility No. 1 and Facility No. 2, Mr. Sullivan failed to pay all annual and late PHS fees for TCEQ Financial Administration Account Nos. 91520247 and 91520198 for Fiscal Year 2008 to the TCEQ in a timely manner, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6).
4. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director timely served Mr. Sullivan with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
5. As evidenced by Finding of Fact No. 8, Mr. Sullivan has failed to file a timely answer to the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Sullivan and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Sullivan for violations of the Texas Health & Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

7. An administrative penalty in the amount of one thousand four hundred seventy-five dollars (\$1,475.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Sullivan is assessed an administrative penalty in the amount of one thousand four hundred seventy-five dollars (\$1,475.00) for violations of state statutes and TCEQ rules. The payment of this administrative penalty and Mr. Sullivan's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Richard Sullivan dba Country View Mobile Home Park and Richard Sullivan dba Valley Estates; Docket No. 2008-1127-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Mr. Sullivan shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order Mr. Sullivan shall:
 - i. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2007 to each bill paying customer of Facility No. 1 and Facility No. 2, and make a good faith effort to deliver to non-bill paying consumers of Facility No. 1 and Facility No. 2, as required by 30 TEX. ADMIN. CODE §§ 290.271 and 290.274; and

- ii. Pay all outstanding fees, including any associated penalties and interest for Financial Administration Account Nos. 91520247 and 91520198, as required by 30 TEX. ADMIN. CODE § 290.51. The payment shall include the notation "Re: Richard Sullivan dba Country View Mobile Home Park and Richard Sullivan dba Valley Estates Account Nos. 91520247 and 91520198" and shall be mailed to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

- b. Within 45 days after the effective date of this Order, Mr. Sullivan shall submit to the Commission a copy of the CCR provided to customers of the water system and the certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with the compliance monitoring data, as required by 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- c. Within 60 days after the effective date of this Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mr. Sullivan. Mr. Sullivan is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Sullivan shall be made in writing to the Executive Director. Extensions are not effective until Mr. Sullivan receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Sullivan if the Executive Director determines that Mr. Sullivan has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF LAURENCIA N. FASOYIRO

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

"My name is Laurencia N. Fasoyiro. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Richard Sullivan dba Country View Mobile Home Park and Richard Sullivan dba Valley Estates" (the "EDPRP") was filed with the Office of the Chief Clerk on December 11, 2008.

I sent the EDPRP to Mr. Sullivan at its last known address on December 11, 2008 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card", Mr. Sullivan received notice of the EDPRP on December 15, 2008, as evidenced by the signature on the card.


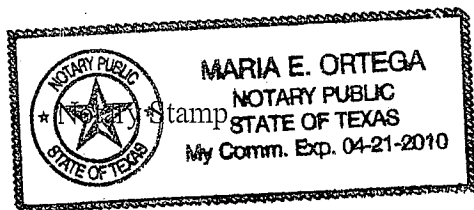
More than 20 days have elapsed since Mr. Sullivan received notice of the EDPRP. Mr. Sullivan failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference".



Laurencia N. Fasoyiro
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Laurencia N. Fasoyiro, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 12 day of Feb., A.D., 2009.



Notary Signature